

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend all claims.
2. Add new dependent claim 33.
3. Respectfully traverse the non-statutory rejection of claims 15 – 32 under 35 USC §101 in view, e.g., of claim amendments that delete “means” language.
4. Respectfully traverse all prior art rejections.

B. THE CLAIMS ARE STATUTORY

The undersigned was perplexed to receive the September 11, 2008 communication which opined the June 12, 2008 amendment to be non-responsive. The perplexity arises from the fact that on several occasions including July 22, 2008 and September 2, 2008 Examiner Blair telephoned the undersigned to propose claim amendments to, e.g., independent claims 15 and 26 (which proposed amendments were largely accepted by Applicants), but no mention was made at that time of any concern relative to Applicants June 12, 2008 response to the 35 USC §101 rejection.

In any event, Applicants again respectfully traverse the non-statutory rejection of claims 15 – 32 under 35 USC §101, and endeavor to amend independent claims 15 and 26 so that it is clear that the claims pertain to apparatus and thus are statutory.

As now amended, independent claim 15 is clearly directed to apparatus, e.g., a communication system comprising first and second network nodes, with the first network node comprising a header compression unit and the second network node comprising a

header decompression unit. It is amply understood from the original disclosure that the header compression unit and the header decompression unit thus are situated at separate hardware entities since compressor unit 20 and header decompressor unit 22 communicate over a link with a forward channel (from compressor to decompressor) and optionally have a feedback channel" (*See, e.g.*, page 7, lines 25 *et seq*). It is further understood, *e.g.*, from the second full paragraph of page 7, that when in communication with each other the compressor unit 20 and the header decompressor unit 22 are in separate physical nodes (*e.g.*, either a mobile (wireless) station or a network node) on opposite ends of the link.

As now amended, independent claim 26 is also directed to apparatus, *e.g.*, a node of communication system.

The office action appeared to indicate that the Examiner had difficulty with the "means" language previously resident in independent claims 15 and 26. Applicants deleted the "means" language by amendment, to avoid any interpretation that the previous "means" of independent claims 15 and 26 were necessarily separate units.

Applicants believe that the current amendments amply qualify independent claims 15 and 26 as apparatus claims in accordance with MPEP §2106 *et seq*, and that the above constitutes explicit argument as to why Applicants' amendment overcomes the rejection based on 35 USC §101. If the Examiner is still of a contrary opinion, the Office bears the burden of setting forth a *prima facie* case of unpatentability on this or any other ground.

C. NEW CLAIM 33

New dependent claim 33 specifies that the act of transmitting a mode change request involving a change from a first compression mode to a second compression mode occurs after a compression process has started. Applicants deem this new claim supported by the totality of Applicants' original disclosure, including page 9, lines 25 *et. seq* wherein it is clear that, for ROHC, the compression process has started since it starts in U-mode. The illustrative example implementation described on page 12, lines 7, refer to a ROHC

embodiment which involves mode transition from U- or O- mode to R-mode. Therefore, to be in the initial mode (e.g., U mode) the compression has already started.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: /H. Warren Burnam, Jr./

H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100